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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 18 2010

REPLY TO THE ATTENTION OF:
(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Frank Murray
Vice President and General Manager
Heritage-WTI, Inc.
1250 St. George Street
East Liverpool, Ohio 43920-3400

Re: Finding of Violation
Heritage-WTI, Inc., East Liverpool, Ohio

Dear Mr. Murray:

This letter advises you that the U.S. Environmental Protection Agency (or we) has determined that the hazardous waste incinerator at Heritage-WTI, Inc.'s facility at 1250 St. George Street, East Liverpool, Ohio (WTI) has violated the Clean Air Act (CAA) and the National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors, 40 C.F.R. 63, Subpart EEE (HWC MACT). We have provided a list of the requirements violated below. We are today issuing to you a Finding of Violation (FOV) for these violations.

Section 112(d) of the CAA requires the EPA Administrator to promulgate regulations establishing emission standards for each category or subcategory of major sources and area sources of hazardous air pollutants (HAPs) listed for regulation pursuant to Section 112(c) of this section. On July 16, 1992, EPA published an initial list of categories of major and area sources of HAPs. See 57 FR 31576. The list included, among other things, hazardous waste incineration. On September 30, 1999, EPA promulgated the HWC MACT to protect public health and the environment.¹

The HWC MACT includes the following requirements:

- 1) The owner or operator of a hazardous waste incinerator equipped with a waste heat boiler must not discharge or cause combustion gases to be emitted into the atmosphere that contain dioxins and furans in excess of 0.20 nanogram toxic equivalent per dry standard

¹ EPA amended the HWC MACT on November 19, 1999, July 10, 2000, November 9, 2000, May 14, 2001, July 3, 2001, December 6, 2001, February 13, 2002, February 14, 2002, December 19, 2002, April 9, 2004, June 23, 2003, October 12, 2005, April 20, 2006, October 25, 2006, April 8, 2008, and October 28, 2008.

cubic meter, corrected to 7 percent oxygen. WTI's Title V permit incorporates this limit. 2,3,7,8-tetrachlorodibenzo-para-dioxin (2,3,7,8-TCDD) causes chloracne in humans, a severe acne-like condition. It is known to be a developmental toxicant in animals, causing skeletal deformities, kidney defects, and weakened immune responses in the offspring of animals exposed to 2,3,7,8-TCDD during pregnancy. EPA has classified 2,3,7,8-TCDD as a probable human carcinogen (Group B2).

- 2) The owner or operator of a hazardous waste incinerator must not discharge or cause combustion gases to be emitted into the atmosphere that contain mercury in excess of 130 micrograms per dry standard cubic meter, corrected to 7 percent oxygen. WTI's Title V permit incorporates this limit. Acute exposure to high levels of elemental mercury in humans results in central nervous system (CNS) effects such as tremors, mood changes, and slowed sensory and motor nerve function. Chronic exposure to elemental mercury in humans also affects the CNS, with effects such as erethism (increased excitability), irritability, excessive shyness, and tremors.

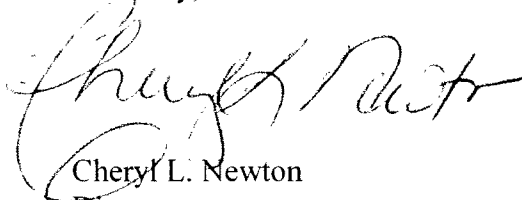
EPA finds that the WTI facility has violated the above listed HWC MACT requirements as incorporated into the WTI's Title V permit. Because WTI violated its Title V permit, you have also violated Title V of the CAA and its associated regulations which require compliance with the terms and conditions of Title V permits.

Section 113 of the CAA gives EPA several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Charles Hall. You may call him at (312) 353-3443. If you wish to request a conference, you should do so within 3 business days following receipt of this FOV. EPA hopes that this FOV will encourage WTI's compliance with the requirements of the Clean Air Act.

Sincerely,



Cheryl L. Newton
Director

Air and Radiation Division

Enclosure

Enclosure

cc: Robert Hodanbosi, Ohio Environmental Protection Agency

Edward Fasko, Northeast District Office
Ohio Environmental Protection Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:) FINDING OF VIOLATION
)
Heritage-WTI, Inc.) EPA-5-10-OH-16
East Liverpool, Ohio)
)
Proceedings pursuant to the Clean Air Act,)
<u>42 U.S.C. §§ 7401 et seq.</u>)

FINDING OF VIOLATION

Heritage-WTI, Inc. (WTI or you) owns and operates a hazardous waste incinerator at WTI's facility at 1250 St. George Street, East Liverpool, Ohio (Facility).

The U.S. Environmental Protection Agency is sending this Finding of Violation (FOV) to you for violation of 40 C.F.R. §§ 63.1219(a)(1)(i)(A) and 63.1219(a)(2) as set forth in the National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors (hereinafter, the HWC MACT) at the Facility since May 11, 2010. The underlying statutory and regulatory requirements include provisions of the Clean Air Act (CAA) and the HWC MACT.

Section 113 of the CAA provides you with the opportunity to request a conference with us to discuss the violations alleged in the FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for the Facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

Explanation of Violations

The following provides a description of the regulations WTI violated and how WTI violated them:

1. Pursuant to 40 C.F.R. § 63.1219(a)(1)(i)(A), the owner or operator of a hazardous waste incinerator equipped with a waste heat boiler must not discharge or cause combustion gases to be emitted into the atmosphere that contain dioxins and furans in excess of 0.20 nanogram toxic equivalent per dry standard cubic meter, corrected to 7 percent oxygen (ng TEQ/dscm @ 7% O₂).
2. Pursuant to 40 C.F.R. § 63.1219(a)(2), the owner or operator of a hazardous waste incinerator must not discharge or cause combustion gases to be emitted into the atmosphere that contain mercury in excess of 130 micrograms per dry standard cubic meter, corrected to 7 percent oxygen (µg/dscm @ 7% O₂).

3. Pursuant to 40 C.F.R. § 63.1206(a)(1)(ii)(A), the owner or operator of an existing hazardous waste incinerator was required to comply with the emission standards under 40 C.F.R. § 63.1219 and the other requirements of that subpart no later than the compliance date, October 14, 2008, unless the Administrator granted you an extension of time under § 63.6(i) or § 63.1213.
4. Neither EPA nor the Ohio Environmental Protection Agency granted to WTI an extension of time under 40 C.F.R. § 63.6(i) or § 63.1213.
5. The hazardous waste incinerator at the Facility is equipped with a waste heat boiler and is an existing facility within the meaning of the HWC MACT.
6. On March 30 and 31, April 1 and 2, and May 11 and 12, 2010, WTI conducted a comprehensive performance test (CPT) on the hazardous waste incinerator at the Facility as required by 40 C.F.R. § 63.1207.
7. As part of the CPT, on May 11 and 12, 2010, WTI conducted a dioxin/furan performance test using EPA Publication SW-846 Method 0023A. The average dioxin/furan emission concentration during the CPT was 0.518 ng TEQ/dscm @ 7% O₂.
8. As part of the CPT, on May 11, 2010, WTI conducted a metals performance test using Reference Method 29 in 40 C.F.R. 60, Appendix A (RM29). The average mercury emission concentration during the CPT was 290.7 µg/dscm @ 7% O₂.
9. WTI violated 40 C.F.R. § 63.1219(a)(1)(i)(A) on May 11, 2010, and on any date of operation since May 11, 2010, by discharging combustion gases into the atmosphere that contained dioxins and furans in excess of 0.20 ng TEQ/dscm at 7% O₂ from its hazardous waste incinerator at the Facility.
10. WTI violated 40 C.F.R. § 63.1219(a)(2) on May 11, 2010, and on any date of operation since May 11, 2010, by discharging combustion gases into the atmosphere that contained mercury in excess of 130 µg/dscm @ 7% O₂ from its hazardous waste incinerator at the Facility.

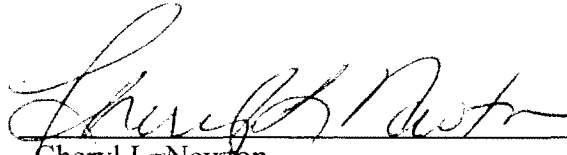
Environmental Impact of Violations

11. 2,3,7,8-tetrachlorodibenzo-para-dioxin (2,3,7,8-TCDD) causes chloracne in humans, a severe acne-like condition. It is known to be a developmental toxicant in animals, causing skeletal deformities, kidney defects, and weakened immune responses in the offspring of animals exposed to 2,3,7,8-TCDD during pregnancy. EPA has classified 2,3,7,8-TCDD as a probable human carcinogen (Group B2).

11. Acute exposure to high levels of elemental mercury in humans results in central nervous system (CNS) effects such as tremors, mood changes, and slowed sensory and motor nerve function. Chronic exposure to elemental mercury in humans also affects the CNS, with effects such as erethism (increased excitability), irritability, excessive shyness, and tremors.

Date

6/18/10


Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-10-OH-16, by Certified Mail, Return Receipt Requested, to:

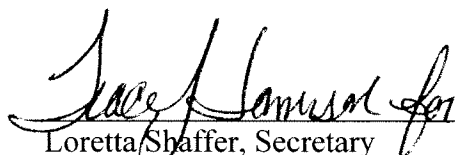
Frank Murray
Vice President and General Manager
Heritage-WTI, Inc.
1250 St. George Street
East Liverpool, Ohio 43920-3400

I also certify that I sent copies of the Finding of Violation by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
50 West Town Street, Suite 700
Columbus, Ohio 43215

Ed Fasko, Air Pollution Control Supervisor
Northeast District Office
Ohio Environmental Protection Agency
2110 East Aurora Road
Twinsburg, Ohio 44087

on the 18 day of June, 2010.


Loretta Shaffer, Secretary
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7667 426